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## BARNES & THORNBURG LLP

600 One Summit Square  
Fort Wayne, Indiana 46802  
(260) 423-9440

### PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23641

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#### Certificate Under 37 CFR 1.8(a)

Application No.: 09/584570

}

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Confirmation  
No.: 3873

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on June 9, 2004

Filing Date: May 31, 2000

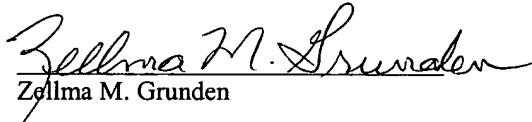
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Group Art  
Unit: 2863

}

Examiner  
Name: Tung S. Lau

}

  
Zellma M. Grunden

Attorney  
Docket No.: 28908/82353

}

First Named  
Inventor: Roseberry, David E.

}

Title: PUMP AND METHOD FOR  
FACILITATING  
MAINTENANCE AND  
ADJUSTING OPERATION OF  
SAID PUMP

}

### TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

### ENCLOSURES (check all that apply)

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> After Final	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Response to Missing Parts/Incomplete Application

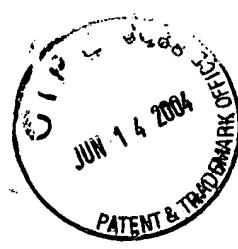
- Response to Missing Parts under 37 CFR 1.52 or 1.53
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_
- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s)  
(please identify below):
  - (a) Receipt Postcard
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_

Remarks:



\_\_\_\_\_  
Gregory S. Cooper  
Reg. No. 40,965  
(260) 423-9440

Date: June 9, 2004



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Amendment, Commissioner for Patents, P.  
O. Box 1450, Alexandria, VA 22313-1450

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**AMENDMENT**

Mail Stop Non-Fee Amendment  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed April 1, 2004, in connection with the  
above-identified application, the Applicants respectfully request reconsideration, without any  
amendments required.

On pages 2 and 3 of the Official Action, the Examiner rejected Claims 1, 2, 3, 4, 7, 12, 17, 18, 22, 31, 32, 34, 35, 38, 39, 47, 48, 50, 51 and 53 under 35 U.S.C. § 102(e) as being anticipated by Discenzo (U.S. Patent 6,434,512).

Pursuant an interview with Supervisory Patent Examiner Barlow on May 14, 2004, the Discenzo Patent, as well as all of the rejected claims, were discussed. Examiner Barlow indicated that after review of the Discenzo Patent and the other prior art of record, he determined that none of the references read on the pending claims of this application. In light of this review, it was agreed that the application is allowable.

Accordingly, reconsideration of the rejections under 35 U.S.C. Section 102(e) under Discenzo is respectively requested. It is believed that all the Claims 1 through 39, 47, 48, 50, 51, and 53 are allowable without amendment.

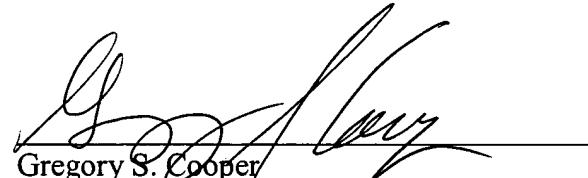
Despite the Examiner's indication that the amendment filed on March 18, 2004, did not comply with 37 CFR 1.121 because Claim 40 was missing from the amendment, it was indicated during the interview that Applicants do not need to submit a revised set of claims in this Request for Reconsideration.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicants' patent counsel at the telephone number given below to discuss such issues.

Serial No. 09/584570  
Docket No. 28908-82353

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (28908/82353) and please credit any excess fees to such deposit account.

Respectfully submitted,



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Gregory S. Cooper  
Reg. No. 40,965  
Direct Line (260) 425-4660

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